

## UNITED STATES DISTRICT COURT

for the

District of New Jersey



Division

Lashon M Bey

Case No.

(to be filled in by the Clerk's Office)

## Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Michael Arroyo, Anthony Moore, and  
Matthew Schmidt.

Jury Trial: (check one)  Yes  No

## Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

R E C E I V E D

FEB 04 2022

AT 8:30 M  
WILLIAM T. WALSH  
CLERK

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Lashon M. Bey		
Address	1283 Galveston Ave.		
	Mays Landing	NJ	08330
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Atlantic County		
Telephone Number	609-742-2654		
E-Mail Address	Lashonb03@gmail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

Name	Michael Arroyo		
Job or Title ( <i>if known</i> )	Sergant		
Address	2711 Atlantic Ave.		
	Atlantic City	NJ	08401
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Atlantic		
Telephone Number	609-347-5780		
E-Mail Address ( <i>if known</i> )			

Individual capacity  Official capacity

## Defendant No. 2

Name	Anthony Moore		
Job or Title ( <i>if known</i> )	Patrolman		
Address	2711 Atlantic Ave.		
	Atlantic City	NJ	08401
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Atlantic		
Telephone Number	609-347-5780		
E-Mail Address ( <i>if known</i> )			

Individual capacity  Official capacity

## Defendant No. 3

Name	Matthew Schmidt		
Job or Title ( <i>if known</i> )	Patrolman		
Address	2711 Atlantic Ave.		
	Atlantic City	NJ	08401
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Atlantic		
Telephone Number	609-347-5780		
E-Mail Address ( <i>if known</i> )			

Individual capacity  Official capacity

## Defendant No. 4

Name			
Job or Title ( <i>if known</i> )			
Address	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address ( <i>if known</i> )			

Individual capacity  Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

Federal officials (a *Bivens* claim)  
 State or local officials (a § 1983 claim)

## B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Fourth Amendment rights.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Anthony Moore falsified official documents leading to the unlawful seizure of the plaintiff under the direction of Michael Arroyo.

Matthew Schmidt used excessive force during the course of arrest.

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

3817 Ventnor Ave (Landmark Tower) parking garage. The plaintiffs residence at the time.

B. What date and approximate time did the events giving rise to your claim(s) occur?

February 5, 2020 at approximately 20:00hrs.

C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

1. Anthony Moore made false claims that the plaintiff's girlfriend at the time (Rachel Leyton) was injured by the plaintiff and falsified official documents, leading to the unlawful seizure of the plaintiff, who was sent to the Atlantic County Justice Facility.
2. Michael Arroyo also made false claims that the plaintiff's girlfriend at the time (Rachel Leyton) had an injury.
3. During the course of arrest Matthew Schmidt used excessive force, causing injury to the plaintiff.

#### **IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Soft tissue injuries were sustained which the plaintiff was treated for at the hospital. The plaintiff also received psychological injuries of a past, present and future nature of which Therapy/treatment is ongoing.

#### **V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

The Plaintiff requests the Atlantic City Police Department acknowledge wrong doing. The Plaintiff also requests legal fees in the amount of \$2,500.00 plus \$12,500.00 (or maximum punitive damages allowed). The Plaintiff requests past, present and future medical fees amounting to \$142,560.00. The Plaintiff also requests punitive damages in the amount of \$712,800.00 (or maximum punitive damages allowed). The Plaintiff also requests a formal apology from the Atlantic City Police Department.

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 02/03/2022

Signature of Plaintiff



Printed Name of Plaintiff

Lashon M. Bey

**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address